

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4384 of 2021

Arising Out of PS. Case No.-60 Year-2020 Thana- JOGAPATTI District- West Champaran

Guddu Giri Son of Sri Prabhu Giri, Resident of Village - Sikta Kala, P.S. -
Jogapatti (Shanchari), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 04.10.2020 in connection with Jogapatii (Shanichari) P.S. Case No. 60/2020 registered for the offences punishable under Sections 302/328/120-B/34 of the Indian Penal Code.

As per the prosecution case, the son of the informant was married with the petitioner's daughter about 15 years ago and out of the said wedlock three daughter were born and due to some matrimonial dispute, dowry case was going on between the parties. It is alleged that due to pressure made on the deceased Rakesh Kumar Giri, the son of the informant had already given rupees fifteen lakhs to his in-laws and they again started putting pressure on him to pay five lakhs rupees for purchase of five katha of land in the name of daughters. Two



katha of land was also transferred in the name of Sunita Devi (wife of the deceased Rakesh Kumar Giri), but they further demanded rupees five lakhs. It is further alleged that on 20.02.2020, the deceased went to his in-laws house with rupees one lakh and on 21.02.2020, at about 01:00 A.M., the informant came to know that his son has been killed by his in-laws by administering poison.

It is submitted on behalf of the petitioner that petitioner is the brother-in-law of the deceased and has been made accused only on the basis of suspicion and during the course of investigation, no sing of administering poison has been found by the doctor and the viscera report has been reserved for further examination. It is further submitted that petitioner has been made accused only because prior to lodging of this case, sister of the petitioner, has filed a case against the informant and others vide Sathi P.S. Case No. 79 of 2018. It is next submitted that co-accused (Prabhu Giri, father-in-law of the deceased) has already been granted bail by this Hon'ble High Court vide order dated 10.12.2020 passed in Cr. Misc. No. 26884 of 2020. Chargesheet has already been submitted in this case. Petitioner has got no criminal antecedent and he is in custody since 04.10.2020.



Considering the aforesaid facts and circumstances, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah, in connection with Jogapatii (Shanichari) P.S. Case No. 60 of 2020, subject to following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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